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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,694	03/03/2004	Madan Mohan	09334.0003-00	4326
22852	7590	04/20/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			VIDWAN, JASJITS	
		ART UNIT	PAPER NUMBER	
		2182		

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/790,694	MOHAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jasjit S. Vidwan	2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03/03/2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Fritz M. Fleming*  
 FRITZ FLEMING  
 Supervisory PRIMARY EXAMINER 4/14/2006  
 GROUP 2100  
*AU2181*

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
2. Claim 4, 8, 12, 16, 20 and 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4, 8, 12, 16, 20 and 24 read, "Wherein the query result indicates at least one of a full, partial **and** unavailable availability of the requested quantity." Examiner fails to understand how an inventory quantity can be full, partial and unavailable all at one time. For the purposes of examination, the Examiner will construe the teaching to limitations of "full, partial **or** unavailable."

### ***Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Saran et al, U.S. Publication: 2003/0055668 [**herein after Saran**].
3. As per claims 1, 5, 9, 13, 17 and 21, Saran teaches a method of performing an availability check [Page 1, Paragraph 0009, "inventory Update"] on a mobile device [Fig. 1, elements 54 - "phone", 60 - "PDA"], comprising:

Synchronizing one or more data items in a backend database with one or more data items in a replica database located at the mobile device [Page 7, Paragraph 0093]

Receiving an item number [Page 7, Paragraph 0093, "Bar Code number"] and requested quantity of the item number [Page 7, Paragraph 0093, "quantity"] on an auxiliary computing platform of the mobile device [60 – "PDA"], the auxiliary computing platform disconnected from a principal computing platform [Page 7, Paragraph 0093, "This is an example of message that might be sent across the platform to update inventory records based on a physical inventory that was taken using the hand-held device", Examiner construes the teaching as follow: When the inventory was physically taken and the above fields generated, the hand-held device was not connected to the principal computer as it was being used to take inventory];

Creating an availability query with parameters comprising the item number and the quantity [Paragraph 0093];

Connecting to the principal computing platform and sending the availability query to the principle computing platform [Paragraph 0093]; and

Receiving a query result from the principal computing platform, the query result indicating the availability of the item number at the requested quantity [Page 7, Paragraph 0095].

4. **As per claims 2, 6, 10, 14, 18 and 22,** Saran teaches method further including displaying the query result to a user [Page 7, Paragraph 0095]
5. **As per claims 3, 7, 11, 15, 19 and 23,** Saran teaches method wherein the availability query is selected from at least one of a product availability check, a product allocation check, and a forecast check [Page 7, paragraph 0093 – Query is generated from a physical availability check of the inventory]
6. **As per claims 4, 8, 12, 16, 20 and 24,** Saran teaches a method wherein the query result indicates at least one of a full, partial, and unavailable availability of the requested quantity [Page 7, Paragraph 0095, "updated quantity"].

#### ***Relevant References***

7. Fawcett, Philip E. U.S. Patent 6,073,214 refers to a remote computer accessing a server for updates in software. The server takes inventory of the software on the said computer and determines which software is installed on the computer and which need to be updated. Upon the determination that the PC is lacking certain software, the server provides the PC with the appropriate software.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSV  
4/6/06

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